

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED
 18 U.S.C. §§ 2252(a)(2) and (b)(1) - Distribution of Child
 Pornography
 18 U.S.C. §§ 2252(a)(4)(B) and (b)(2) - Possession of Child
 Pornography

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: See attached penalty sheet

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

FILED**DEFENDANT - U.S.**

JEFFREY ROGER PHILLIPS

FEB 27 2020

DISTRICT COURT NUMBER

CR 20 099

JST

 SUSAN Y. SOUFG
 CLERK, U.S. DISTRICT COURT
 NORTH DISTRICT OF CALIFORNIA
 OAKLAND OFFICE
DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

- 1) ☐ If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☒ On this charge
- 5) ☐ On another conviction } ☐ Federal ☐ State
- 6) ☐ Awaiting trial on other charges
- If answer to (6) is "Yes", show name of institution

 Has detainer ☐ Yes
 been filed? ☐ No

 If "Yes"
 give date
 filed
DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☒ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

4-20-70175

Name and Office of Person

Furnishing Information on this form DAVID L. ANDERSON

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) JONATHAN U. LEE, AUSA

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**
☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

PENALTY SHEET

Distribution of Child Pornography, 18 U.S.C. § 2252(a)(2), (b)(1)

Maximum Penalties:

- Maximum 20 years imprisonment;
- Minimum 5 years imprisonment;
- Maximum fine \$250,000;
- Maximum supervised release term of life;
- Minimum supervised release term of 5 years;
- \$100 special assessment;
- \$5,000 special assessment per 18 U.S.C. § 3104(a);
- Restitution; and
- Forfeiture.

Possession of Child Pornography, 18 U.S.C. § 2252(a)(4)(B) and (b)(2)

Maximum Penalties:

- Maximum 20 years imprisonment;
- Maximum fine \$250,000;
- Maximum supervised release term of life;
- Minimum supervised release term of 5 years;
- \$100 special assessment;
- \$5,000 special assessment per 18 U.S.C. § 3104(a);
- Restitution; and
- Forfeiture.

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: Oakland

FILED

FEB 27 2020

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA
OAKLAND OFFICE

UNITED STATES OF AMERICA,

v.

JEFFREY ROGER PHILLIPS,

CR 20 099 JST

DEFENDANT.

INDICTMENT

18 U.S.C. §§ 2252(a)(2) and (b)(1) – Distribution of Child Pornography;
18 U.S.C. §§ 2252(a)(4)(B) and (b)(2) – Possession of Child Pornography;
18 U.S.C. § 2253(a) – Criminal Forfeiture

A true bill.

Foreman

Filed in open court this 27 day of Feb. 2020

Clerk

Bail, \$

NO BAIL WARRANT

Kandis A. Westmore

DAVID L. ANDERSON (CABN 149604)
United States Attorney

FILED

FEB 27 2020

SUSAN T. SOUFFR
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA
OAKLAND OFFICE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

CR 20 099 JST

UNITED STATES OF AMERICA,

Plaintiff,

v.

JEFFREY ROGER PHILLIPS,

Defendant.

CASE NO.

VIOLATIONS:

18 U.S.C. §§ 2252(a)(2) and (b)(1) – Distribution of
Child Pornography;

18 U.S.C. §§ 2252(a)(4)(B) and (b)(2) – Possession
of Child Pornography;

18 U.S.C. § 2253(a) – Criminal Forfeiture

OAKLAND VENUE

INDICTMENT

The Grand Jury charges:

COUNT ONE: (18 U.S.C. §§ 2252(a)(2) and (b)(1) – Distribution of Child Pornography)

On or about January 8, 2020, in the Northern District of California, the defendant,

JEFFREY ROGER PHILLIPS,

did knowingly distribute a visual depiction, using a means and facility of interstate and foreign
commerce, and the production of such visual depiction involved the use of a minor engaging in sexually
explicit conduct, and which visual depiction was of such conduct, all in violation of Title 18, United
States Code, Sections 2252(a)(2) and (b)(1). Specifically, defendant distributed a video depicting an

INDICTMENT

adult male attempt to penetrate a prepubescent female's vagina with his penis and then having the minor perform an oral sex act on his penis.

COUNT TWO: (18 U.S.C. §§ 2252(a)(2) and (b)(1) – Distribution of Child Pornography)

On or about January 29, 2020, in the Northern District of California, the defendant,
 JEFFREY ROGER PHILLIPS,
 did knowingly distribute a visual depiction, using a means and facility of interstate and foreign commerce, and the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct, and which visual depiction was of such conduct, all in violation of Title 18, United States Code, Sections 2252(a)(2) and (b)(1). Specifically, defendant distributed a video depicting a minor female committing an oral sex act on an adult male's penis.

COUNT THREE: (18 U.S.C. §§ 2252(a)(2) and (b)(1) – Distribution of Child Pornography)

On or about January 29, 2020, in the Northern District of California, the defendant,
 JEFFREY ROGER PHILLIPS,
 did knowingly distribute a visual depiction, using a means and facility of interstate and foreign commerce, and the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct, and which visual depiction was of such conduct, all in violation of Title 18, United States Code, Sections 2252(a)(2) and (b)(1). Specifically, defendant distributed a video depicting an adult male penetrating a prepubescent female's vagina with his penis.

COUNT FOUR: (18 U.S.C. §§ 2252(a)(2) and (b)(1) – Distribution of Child Pornography)

On or about January 29, 2020, in the Northern District of California, the defendant,
 JEFFREY ROGER PHILLIPS,
 did knowingly distribute a visual depiction, using a means and facility of interstate and foreign commerce, and the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct, and which visual depiction was of such conduct, all in violation of Title 18, United States Code, Sections 2252(a)(2) and (b)(1). Specifically, defendant distributed a video depicting a female of unknown age committing an oral sex act on a prepubescent minor male's penis.

COUNT FIVE: (18 U.S.C. §§ 2252(a)(4)(B) and (b)(2) – Possession of Child Pornography)

On or about January 8, 2020 to February 12, 2020, in the Northern District of California, the

1 defendant,

2 JEFFREY ROGER PHILLIPS,

3 did knowingly possess matter which contained at least one visual depiction that was produced using
 4 materials that had been mailed, shipped, and transported using any means and facility of interstate and
 5 foreign commerce, including by computer, the production of which visual depiction involved the use of
 6 a prepubescent minor engaging in sexually explicit conduct, which visual depiction was of such conduct,
 7 all in violation of Title 18, United States Code, Sections 2252(a)(4)(B) and (b)(2).

8 FORFEITURE ALLEGATION: (18 U.S.C. § 2253(a))

9 The allegations contained in this Indictment are re-alleged and incorporated by reference for the
 10 purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 2253.

11 Pursuant to Title 18, United States Code, Section 2253, upon conviction of the offenses set forth
 12 in this Indictment, the defendant,

13 JEFFREY ROGER PHILLIPS,

14 shall forfeit to the United States of America:

- 15 a. any visual depiction described in Title 18, United States Code, Sections 2251 or
- 16 2251A, or 2252, or any book, magazine, periodical, film, videotape, or other matter
- 17 which contains any such visual depiction, which was produced, transported, mailed,
- 18 shipped or received in violation of Title 18, United States Code, Chapter 110;
- 19 b. any property, real or personal, constituting or traceable to gross profits or other
- 20 proceeds obtained from the offenses; and
- 21 c. any property, real or personal, used or intended to be used to commit or to promote
- 22 the commission of the offenses.

23 The property to be forfeited includes, but is not limited to:

- 24 a. ASUS Computer Tower, S/N: 211717489710;
- 25 b. MacBook Pro (black and silver), Model: A1502, S/N: C02PK3X2FVH5;
- 26 c. Apple iPhone w/ shattered screen (black) and case, Model: A1661; FCC ID: BCG-
- 27 E3087A; and
- 28 d. Samsung Galaxy Note 9 (black) and Otter Box case, Model: SM-N960U, IMEI:

358620092933855; S/N: R38KA0C2GFB.

If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 2253(b) and Title 28, United States Code, Section 2461(c).

All pursuant to Title 18, United States Code, Section 2253, Title 28, United States Code, Section 2461(c), and Federal Rule of Criminal Procedure 32.2.


DATED:

2-27-2020

A TRUE BILL.

FOREPERSON

DAVID L. ANDERSON
United States Attorney


JONATHAN U. LEE
Assistant United States Attorney